

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

CLYDE P. SHIELDS  
MARYL J. SHIELDS

Debtors

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CASE NO. 05-18265

**DECISION AND ORDER**

At Fort Wayne, Indiana, on April 24, 2006

The notice of motion and opportunity to object which debtors (hereinafter “Movant”) served in connection with their Motion to Avoid Judicial Lien on Real Estate does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on February 19, 2006, while the notice refers to a motion filed on February 13, 2006.
- b. The notice does not adequately “state the relief sought” by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3). The notice does not sufficiently describe the property subject to the liens.
- c. The notice does not “contain a brief summary of the ground for the motion or have a copy of the motion attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4). Although the notice states that a copy of the motion is attached to it, there is no attachment to the notice filed with the court.
- d. The certificate of service accompanying the notice indicates that the notice and motion were served not upon the lienholder Anthony Wayne Credit Adjusters, but upon an attorney who has not filed an appearance in the bankruptcy. This is not appropriate. In re Rae, 286 B.R. 675 (Bankr. N.D. Ind. 2002).

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind.

L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court